

BY HAND

Judge Jesse M. Furman
U.S. District Judge
40 Foley Square
New York, NY 10007

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July 31, 2022
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RE: United States v. Schulte, 17-CR-548 (JMF)

RE: Schulte, v. United States et al., 21 CV 4042 (JMF)

Dear Judge Furman:

Due to prosecutorial misconduct and outrageous Constitutional violations, I am unable to meet the Court's Rule 26(3) deadline for case 17-CR-548 or the Court's Amended complaint deadline for case 21-CV-4042.

On July 28, 2022, the government executed a search warrant and seized my discovery laptop and all discovery drives. The entire basis for this search warrant is the BIDS password set by counsel in 2020 when they setup the laptop. The government "discovered" this "evidence" when they violated the terms of a limited, consensual search performed before this Court.

I remind the Court that less than a week before trial, the MDC dropped the laptop on the concrete ground and the laptop subsequently malfunctioned. The MDC intended to hire its own experts to review the laptop, but due to the expediency necessary for the looming trial,

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and to avoid delaying the trial, agreed to allow the government to attempt fixing the laptop under the very strict conditions that they could not search it or inform the government anything about what they may inadvertently stumble upon while attempting repair. This constitutes a limited, consensual search.

The laptop did not power on at all, so the government's sole job was to attempt repair by simply powering it on. The government was able to power on the laptop. At this point, they should have immediately stopped and returned the laptop. But they did not. They executed a search of the BIOS, discovering that there was a regular user password — which had been set since the laptop was setup by counsel. They then proceeded further and actually logged onto the laptop, conducted a search of the laptop, opened and reviewed privileged files and discovered an encrypted container containing privileged documents. All of this was then reported to the trial prosecution team. The government confirmed that the laptop had never been connected to the internet and then returned it to the defense. Six weeks later the government filed for a search and seizure warrant, ~~for~~ and seized both the laptop and discovery drives.

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As an initial matter, the BIOS history proves that there were no configuration changes; and indeed, the laptop has never been connected to the internet, and contains only information provided to me by my attorneys or the government.

Second, the warrant did not authorize the seizure of the discovery drives, but the MDC lawyer seized them anyway. So, any subsequent warrants or searches of the discovery drives are predicated on this warrantless seizure and are unconstitutional.

Third, the defense only allowed the government to review the laptop due to the upcoming trial. The defense defied the very limited authorized use of the laptop on the record and the government's violation of the limited waiver to obtain the "evidence" predicated for their search warrant renders the entire search warrant unconstitutional. The government cannot use what it "discovered" in its review of the laptop for a search warrant.

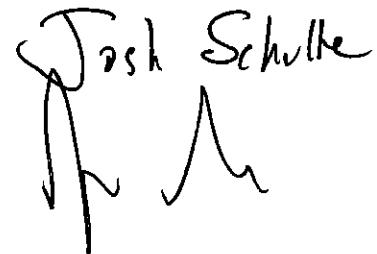
This is yet more proof of harassment, intimidation, and prosecutorial misconduct by the government. The government manipulates everything I do (or don't do) as evidence of some crime and rationale to persecute me; it's clear that for the rest of my life, this bullying, corrupt, and cocky hungry government will be there spending unlimited taxpayer

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resources to fuck me in any way that they can.

Accordingly, I cannot meet the deadlines set by the Court without relief. I ask the Court to (1) order the government to immediately return the laptop since its seizure was unconstitutional OR authorize counsel to purchase a new laptop, loaded with all the files from the seized laptop; and (2) order the government to immediately return the discovery drives since the seizure was warrantless and unconstitutional OR order the government to purchase new drives loaded with all the files from the seized drives.

Respectfully Submitted,


Tom Schulte

P.S. I note for the Court that the MDC continues to refuse me legal calls. I filed both BP-8 and the attorney request form on Thursday and Friday, July 28 and 29, but MDC refused to provide a ~~legal~~ legal call. So, I have been unable to inform my attorney of the unconstitutional and baseless seizure of my devices.



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